

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Haleem McCoy

v.

Case No. 22-cv-527-SE

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated May 30, 2023. The respondent's motion for summary judgment (Doc. No. 6), is denied without prejudice.

Within thirty days the respondent shall file either: (1) a notice indicating that there are disputed facts and that an evidentiary hearing is necessary; or (2) a new motion for summary judgment based on current BOP policies and authorities, with reference to the petitioner's recent sentence computation data.

"[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see

also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

A handwritten signature in dark ink, appearing to read 'SDElliott', written in a cursive, stylized font.

Samantha D. Elliott
United States District Judge

Date: June 28, 2023